

Minnesota's Extreme Risk Protection Order: A Vital Tool for Safety

An extreme risk protection order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

An extreme risk protection order, also called an ERPO, is a court order that temporarily restricts a person's access to guns. It is designed to help law enforcement, certain attorneys, and concerned family members intervene quickly in dangerous situations.

FAQs

How do I request an extreme risk protection order?

To seek an extreme risk protection order, if you fall into one of the categories listed above, you can file the application directly with the district court in the county where the individual lives.

Who can request an extreme risk protection order in Minnesota?

Under Minnesota law, a law enforcement officer, city or county attorney, or family or household members may file a petition for an extreme risk protection order.

Family or household members include:

- A current or former spouse;
- A parent, guardian, or child;
- A person currently residing with a person in crisis; or
- A person involved in a significant dating or sexual relationship with a person in crisis.

While mental health professionals may not file a petition requesting an extreme risk protection order, in circumstances where they have a statutory duty to warn that a client poses a serious threat of physically violent behavior or when they determine that a client presents a significant risk of suicide by possessing a firearm, a mental health professional is required to communicate that

threat or risk to the county sheriff where the client resides and make a recommendation regarding the client's "fitness to possess firearms."

What happens after the request for an extreme risk protection order has been filed?

Once the court receives a request (called a "petition") for an extreme risk protection order, the court will notify the person and schedule a court hearing within 14 days to determine whether the order should be issued.

If, at the hearing, a court finds that the person poses a significant danger of bodily injury to others or is at significant risk of suicide by possessing a firearm, the judge will issue a court order that requires the person's firearms to be held by a federally licensed firearms dealer or by law enforcement for as long as the order is in effect.

The person will not be able to purchase new firearms while the order is in effect.

I'm afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or of the public, may demand that action be taken before the scheduled hearing date, to prevent immediate danger.

To protect a person or public safety during this time, a person may request, and a judge may issue, an emergency extreme risk protection order that restricts a person's access to firearms before the person has been notified of the petition, and before a full hearing is held.

How long does an emergency extreme risk protection order last?

In Minnesota, an emergency order is called a temporary extreme risk protection order and lasts for 14 days.

How long does a final extreme risk protection order last?

A final extreme risk protection order can last between six months and one year. Any time within three months before the order is set to expire, a law enforcement officer, a family or household member, or a city or county attorney may ask the court to renew the order.

Will an extreme risk protection order go on someone's criminal record?

No. An extreme risk protection order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

What if I am not able to request an extreme risk protection order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs that they are at risk of self-harm or harming someone else if they have access to a firearm, you can contact a law enforcement officer, or a family or household member and ask that they seek an extreme risk protection order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.